

Remarks/Arguments

Responsive to paragraph 1 of the Office Action, the Examiner has not indicated the reasons why he considers the principle of the invention not to be identical as between the embodiment of Figs. 1-3 and the embodiments of Figs. 5 and 6. In the response filed July 13, 2005 applicants have pointed to bases in the specification for their position that the principles of operation are identical. Furthermore, the Examiner has not identified the "additional part(s) needed for using this seal in a multiple sealing unit seal".

The Examiner's statement "How can the sealing lip of claim 1 have a movable parts as claimed in 14-15?" appears to indicate confusing the seal with the structure in which it is installed. Original claim 1, and now the newly submitted claim 21, call for the lip seal having a sealing lip adapted for sealing engagement with a relatively movable surface. That relatively movable surface is designated 5 in Fig. 2. The relatively movable parts called for in claims 14 and 15 are like the part 5 in Fig. 2 and are described, for example, on page 3 at lines 17-21 wherein the "relatively movable parts" are illustrated in the form of "a shaft passing through a housing".

In view of the foregoing, the finality of the restriction

requirement appears to be based on an incorrect analysis of the subject matter disclosed in the instant application, and for that reason reconsideration of the matter is respectfully requested.

Claims 3 and 10-13 have been amended in a manner believed to overcome the rejection under 35 USC 112 set forth in paragraph 3 of the Office Action.

Reconsideration of the rejection of claims 1-3, 7-12, 19 and 20 under 35 USC 102 based on Hopper is respectfully requested for the following reasons. Hopper does not teach or suggest the invention as claimed in independent Claim 19 and new Claim 21. These claims call for the shield and the lip seal to be closed together proximate the end of the sealing lip, and to be opened by fluid pressure within the space defined between them. While in Hopper pressure fluid may pass from space 76 between seals 66, 68, those seals are not normally-closed to each other at or near the end of one of them. Indeed the seals diverge in opposite directions. The basic idea of protecting a seal by a shield on the open (unsealed) side of the seal is not taught by Hopper.

Accordingly, new claim 21, dependent claims 2, 3 and 7-12, independent claim 19 and dependent claim 20 are believed to patentably distinguish over Hopper within the meaning of 35 USC 102 and 35 USC 103.

Reconsideration of the rejection of claims 1 and 13 under 35 USC 102 based on DE 2643769 (DE '769) is respectfully requested for the following reasons. The Examiner asserts that part 6 in Figure 1 of DE '769 is a seal and the shield is part 7. These components in fact both are seals, but in any event are the wrong way round compared to the present invention; the region to the left of seal 6 in DE '769 is the unsealed region. Furthermore, close inspection of Figure 1 of DE '769 shows that parts 6 and 7 are always spaced-apart, even when no pressure is present in space 10; the third paragraph on page 5 of DE '769 (translation enclosed) states that parts 6 and 7 "form a similar gap or annular nozzle" which confirms that they are not normally-closed together.

Accordingly, new claim 21 and dependent claim 13 are believed to patentably distinguish over DE '769 within the meaning of 35 USC 102 and 35 USC 103.

The rejection of claim 6 under 35 USC 103 based on Hopper is respectfully traversed. Dependent claim 6 includes all the limitations of new claim 21 which, for the reasons set forth above, is believed to patentably distinguish over Hopper. Accordingly, claim 6 is believed to patentably distinguish over Hopper within the meaning of 35 USC 103.

Favorable action on this application is respectfully requested.

Respectfully submitted,

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TRANSLATION OF DE 26 43 769
PAGE 5, PARAGRAPHS 2 TO 4

Figure 1 shows the shaft 1 with a shaft bushing 2 which moves with the shaft and the seal body 3 with the clamping ring 4. A conduit 5 for a pressurizing medium leads from an annulus 14 between two ring-shaped sealing lips 6, 7 which may be connected to each other via webbing 15 and whose sealing edges 8 abut the shaft bushing 2 and which are inclined against the liquid to be sealed.

The sealing lips 6 and 7 may consist of rigid or elastic material. Between them they form an annular gap 10 or annular nozzles 11 (Figure 2). Figure 2 shows several sequentially arranged elastic sealing rings 9. These form several annular nozzles 11.

Figure 3 shows an elastic sealing lip ring 12 and a rigid ring 13 as a seal.